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***Keywords***

Fairness, social justice, young people, education, relational justice, stakes fairness.

***Abstract***

This paper discusses a research project which sought young people's views about fairness in education. Fairness is an everyday term, which in policy hides multiple and contradictory positions across the political divide. In education we find a policy context that focuses on distributional justice and equality of opportunity but also on principles of freedom and choice. This paper argues that engaging with how young people understand fairness contributes to models of social justice in education. Focus group data and written statements on fairness from approximately 80 young people aged 16-18 from five very different schools were analysed. Students' primary concerns, absent from educational policy, were the themes of relational justice and stakes fairness, which are eclipsed by current recourse to distributive justice and meritocratic ideals. A focus on the lived experience of fairness is necessary to widen the discourse about what is fair in education and to reinvigorate public debate about the values on which our education system is based.

***The significance of fairness***

Fairness is a concept which seems open to all, in general parlance carrying a normative meaning as something good, an idea which is at once intuitive and instinctive and which does not need definition (Perkins 2013; Ryan 2006). The value-based assumption that social policy should be fair is suggested by the use of the concept of 'fairness' across the political divide and in various policy domains, but with the result that using 'fair' to describe a policy hides multiple and contradictory meanings (Burton 2011). Partly in response to growing indicators of national-level inequalities (Wilkinson and Pickett 2012), allied to a widespread recession post-2008, a number of Fairness Commissions have been implemented in councils around the UK. These rely upon a normative meaning of fairness which, as we have discussed elsewhere, (Laing, Mazzoli Smith and Todd, 2016a) quickly elides into discussions of *justice* and *equality* – but fairness is not always allied to equality, nor is justice always considered fair.

Whilst the concept of fairness is widely used, there is little research which actively interrogates commonly held views of fairness. This results, in part, from the segregation of theoretical political and sociological work on social justice, and of empirical work in the social sciences, which often excludes normative thinking in order to conform to a positivist ideal of objectivity (Sayer 2005, 2012). Fielding further argues that education policy in particular is driven by a 'what works' agenda and is characterized by 'its conspicuous lack of engagement with the very people who are the object of policy change' (1999; 278). Add to this the normal ambivalence that adults bring to an issue as broad and pervasive as fairness, depending on what particular 'lens' they use to view the issues and which principles they bring to different cases (Bamfield and Horton 2010) and a picture begins to emerge about the reasons behind the lack of understanding of lay views of fairness.

This paper discusses a research project<sup>1</sup> aimed at gathering young people's views about fairness in education. It builds upon the authors' previous analysis that identified prevailing concepts of fairness in English Government policy and also in educational practice in Newcastle upon Tyne, a city in the North East of England (Laing, Mazzoli Smith and Todd 2016a). As Gewirtz argues, it is not sufficient for sociologists of education to theorize about social justice from afar; 'we need to find ways of adequately engaging with the tensions between different facets of and claims to social justice in ways that help to inform the work of those struggling in and around schools' (2002: 500). We argue that engaging with how fairness in education is

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experienced and understood by young people must play a greater role in shaping dominant models of social justice in educational research and policy and that doing so is likely to help address some of these tensions through awareness of the impact of social justice driven initiatives. This research project is significant in demonstrating how young people's lived experiences of what is fair in education challenge the dominant models in research and policy and highlights issues which should be at the forefront of evaluating differing claims about fairness in education.

### *Fairness and recent education policy*

There is a long tradition of research and action in education (particularly in the sociology of education) that variously comes under the guise of social justice, fairness, equity and equality (Ball 2004; Ball 2010; Crozier and Davies 2007; Gewirtz and Cribb 2009; Reay 2006a; Reay 2006b; Tomlinson 1982; Troyna and Carrington 1990). A good deal of this literature focuses on justice and equality and there is no shortage of analysis on what constitutes social justice in education. The over-arching models of fairness, however, tend to fall into two, often opposing, discourses as we outline here.

#### *'Closing the Gap': equality of opportunity and meritocratic ideas of fairness*

In a previous analysis of current education policy in England and locally in Newcastle upon Tyne we suggest that Rawls' principle of fair equality of opportunity and his related notion of distributional justice (Rawls, 2009) is one of the key ideas of fairness in play (Laing, Mazzoli Smith and Todd, 2016a). This is central to the prevalent notion of 'closing the gap', the attainment gap between rich and poor, with pupil premium funding being made available for each economically disadvantaged young person directly to schools (Carpenter et al 2013). This policy approach is concerned with both the principles for the fair distribution of education goods, rights and duties and also with beliefs about what makes for fair distribution. The other understanding of fairness implicit to the notion of 'closing the gap' is the meritocratic principle, there often being an assumption that fairness is synonymous with a meritocratic education system (Bamfield and Horton 2010; Brighouse 2010). This principle acknowledges that there will be educational differences in outcome, but these are justified if *processes are fair* and that there is *equality of opportunity*, a 'weaker' liberal definition. A 'stronger' liberal definition would focus on *equality of outcome*, intervening through positive discrimination, as in the case of the pupil premium, to try and secure similar outcomes for different student groups in society, in recognition of the fact that background inequalities skew equality of opportunity. Education policy often sits uneasily between the two.

Relevant research has widely argued that a focus on educational attainment alone, without action structurally to address poverty is unlikely to close this educational gap (Ball 2010; Elias and Purcell 2012; Reay 2004; Vincent, Ball and Braun 2008a; Vincent, Ball and Braun 2008b). There is also the issue of positional advantage, Brown stating that individual achievements must be viewed in a positional competition: 'what some achieve, all cannot' (2013: 682) and that hierarchies of performance in different spheres necessitate unequal rewards. Sayer argues that genuine equality of opportunity (rather than zero-sum or competitive) requires the equality of the parents, 'for winners and losers can scarcely help passing on their advantages and disadvantages to their children' (Sayer, 2012: 590). Yet the educational endeavor is construed as zero-sum and the competitive context of education, both in and out of school, cannot be sidestepped in any analysis of fairness.

A conceptual framework for this paper is, therefore, that fairness should be applied to education as an evaluative concept in the broadest sense, not just in terms of the attainment gap. There is a concern that the focus on education as the main lever to improve rates of intergenerational mobility perpetuates a narrow version of social justice as fairness, Brown arguing that mobility studies should extend the current focus on inequalities in life-chances to include inequalities in lifestyle condition and quality-of-life issues (Brown, 2013). We will demonstrate how a better understanding of young people's lived experiences of fairness and their responses to dominant trends in education necessitates the application of a wider values-based conceptualization of fairness than extant policy and research usually draws upon.

### *Freedom and choice*

The principle of fairness in education is currently also equated with the principle of freedom of expression and choice. This view raises a conflict between freedom and other ideas of fairness (e.g. distributional). What can be legislated and mandated in terms of expectations of some kind of equality, for instance of outcome whilst not infringing personal liberties i.e. the right of more advantaged families to also access and make use of such policies? As Sandel (2007) points out, for a libertarian, the right always comes before the good. Yet if parents are increasingly seen as consumers of education and investors in the cultural capital that their children represent, there is a danger in schools that;

...differences that are to do with income or class are taken to be essential and fixed characteristics and indicators of the capabilities of children...that these differences are built into differentiations and opportunities and expectations in schools, becoming self-fulfilling...in terms of performance' (Ball 2010: 162).

As we will argue, the privileging of choice and an educational market-place not only foregrounds a culture of performativity which impacts negatively on educational professionals through school league tables and inspection regimes (Ball, 2003), but in its turn the impacts are just as pervasive on young people. Indeed, in promoting parental freedom to choose educational institutions based on league tables, we appear to be restricting the freedom of young people to choose their educational pathways. The data we present illustrates how sociological critiques of neoliberal education policies have sidelined negative impacts on young people and the significance of these impacts. In addition to the policy critiques outlined here, our concern lies in the fact that both of these policy directions omit what should arguably be foundational to all education policy, a vision of the good society (Wolff 2010) and the idea that a community should ensure that its members develop the requisite capabilities to partake in civic and political life (Nussbaum 2011). Here we briefly set out two frameworks of justice which encompass these ideas, theoretical concepts in their own right and also the key areas of fairness raised by the young people in this research.

### *A number of other gaps: relational justice and stakes fairness*

*Relational justice* is recognition of the centrality of the 'nature of the relationships which structure society' (Gewirtz 1999: 470). This includes:

'issues of power and how we treat each other, both in terms of micro face to face interactions and in the sense of macro social and economic relations which are mediated by institutions such as the state and market' (Gewirtz 1999; 471).

We draw on Gerwartz (1999) to explore two concepts of relational justice: 'justice as mutuality'; and 'justice as recognition'. Justice as mutuality is encapsulated by Etzioni's (1996) theory of communitarianism, where citizens are bound together through a system of duties and mutual obligations. There is neither excessive autonomy, which erodes society, nor excessive collectivism, which erodes individual autonomy. Justice as recognition rejects a universalism which implies that everyone can be treated alike, in favour of an ethics of difference, or otherness, with a commitment to see commonality amidst different people and not to fall back on a politics of surveillance, control and discipline (Ball 2013). Fraser's (1997) notion of 'cultural justice', in terms of the absence of cultural domination, non-recognition and disrespect and the notion of 'associational justice', that is the enablement of different groups to participate fully in decisions that affect them (Power and Gewirtz 2001) are also useful. Our previous research identified that educational professionals saw 'justice as mutuality' and the need for fair participation within a community, as important to their practice of education (Laing, Mazzoli Smith and Todd, 2016a). This, we argued, suggests the need for the more explicit development of educational policy based on relational justice.

We also argue for a focus on *stakes fairness* (Jacobs 2010) from the field of jurisprudence, that is what is actually *at stake* in a competitive system and regulating the risks that individuals are exposed to by promoting a wider distribution of benefits and/or by lowering the stakes of the game. The idea is that success in one sphere, e.g. financial, should not promote success in another, e.g. educational, through the ability to pay for better schooling directly or indirectly. In a society with little focus on stakes fairness, extreme divisions appear through the accruing of multiple disadvantages as a result of one type of disadvantage predisposing people to another and so on. The application of stakes fairness can act as lever for policy to lessen the effects of cumulative risks across different areas of social life.

Jacobs (2010) raises an example pertinent to this paper in respect of the gains made by children who are read to at home. The demands of stakes fairness would allow for family choice in exercising cultural capital to support the development of a child through reading at home, but would level down the advantages of this in relation to children not read to at home. Through the application of the principles of stakes fairness, the activity would still occur and would still be of intrinsic value educationally, but would result in less divergent benefits for individual children. Jacobs also discusses what the demands of stakes fairness would mean for tertiary education, again pertinent to this paper as these were issues raised by the young people in our study:

At some point, the growing income gap correlated to tertiary education will violate the demands of stakes fairness, and a just educational policy grounded on equal opportunity in education will entail limits on the independent benefits of tertiary education...(2010: 263)

### **Students' perspectives on fairness**

There has been extensive research exploring the views of young people about education (see, for example: Lewis and Lindsay 2000; Lloyd-Smith and Davis 1995; Pollard and Filer 1995; Reay 2006a; Rudduck and Chaplain 1995; Slee 1993; Todd 2007). However, very little research seeks their views about what counts as fair or otherwise in education, and young people's concepts of fairness may not always be expressed directly as 'fairness' but can be implicit in conversations about the kind of education they would like (Burke and Grosvenor 2003). One study by Gorard and Smith (2010) surveyed 14 000 young people aged 14 in 450 schools across six countries about their experiences of social justice and equity. Gorard and Smith modeled the plausible social and educational determinants of different perceptions of justice among different types of students. A questionnaire was designed to ask students about predefined categories connected with justice (instrumental, distributive, procedural), related to events in school over an academic year. The study found that the main area of concern was that teachers treated students differently and were inconsistent in their allocation of rewards and punishments. Amongst more vulnerable groups of students, experiences of fair treatment were not significantly more negative than their peers, concluding that context was unrelated to experiences of justice in school, in contrast to academic outcomes.

However, this ran counter to an earlier French study which concluded that disadvantaged students did feel more injustice from their teachers than other students do (Meuret and Desvignes 2005). Whilst arguably a very useful study, Gorard and Smith's use of predefined categories of fairness limits the scope of our understanding about the range of young people's concerns. Bamfield and Horton (2010) conducted a study for the Fabian Society in which they explored adults' perceptions of fairness through a series of focus groups. This study allowed participants freedom to assign meanings and found that whilst those taking part were not indifferent to educational inequality, their views depended on what particular 'lens' they brought to the issue, for instance through role-identification as parent, worker or citizen, as well as which principles they brought to bear on the issue. We were keen to conduct similar focus groups with young people in which they had the freedom to define terms and meanings and in this respect this study is an original examination of constructions of fairness in education by sixth form students in a range of schools.

### **Methodology**

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We conducted focus groups across a range of schools to explore which ideas of social justice underlie young people's views on fairness and what they raised as relevant to an exploration of fairness in education. We asked 80 male and female students aged 16-18, from five diverse schools, for their views on fairness in education. We chose to carry out focus groups of up to ten young people at a time to enable the group process to facilitate the development of the students' ideas on fairness and to enable us to listen to how young people themselves constructed issues of fairness and united or disagreed over the problems. We conducted two focus groups in each school. Given the possibility that school context could influence the students' perspectives, we wanted to scope the widest possible range of schools despite the relatively small scale of this study. We spoke, therefore, to young people in a diverse range of secondary schools that included faith/non-faith, state/independent, urban/rural and schools which were of varying sizes with catchment areas in varying socio-economic contexts. Whilst the comprehensive schools were not selective by ability at year seven, all the schools were selective at year 11 by ability. All the schools had been graded as outstanding or good in their latest external inspection. The characteristics of the schools involved are set out in Table 1.

Table 1: Characteristics of the schools involved

School	Size (relative to national average)	Denomination	Location	Pupil Premium (relative to national average)	School type
A	Above average	Catholic	City suburb	Above average	Comprehensive
B	Below average	Quaker	City	Below average	Independent
C	Above average	None	Town	Below average	Comprehensive
D	Below average	Church of England	Rural	Below average	Independent
E	Below average	None	City suburb	Above average	Comprehensive

The focus group conversations were recorded and transcribed and a thematic content analysis was employed to code descriptions of fairness. Coding was carried out at the level of individual statements, which were then categorized by theme. We began with a conceptual framework to inform coding which contained the concepts of social justice that we had drawn upon in our previous work (Laing and Todd 2012; Laing, Mazzoli Smith and Todd 2014) which were: distributive justice; meritocratic principles; choice and individual liberty; relational justice; procedural fairness. However, a key aim of this research was to be open in our reading of the data to other ways in which the students discussed fairness, through an inductive process of analysis. This led us to include the additional categories of stakes fairness and needs-based justice. The former we have discussed above as being distinctive to the students' discussions of fairness and the latter was included because the category of distributive justice was better used to frame how students spoke about background fairness, that is structural inequalities and family background. Needs-based justice was more appropriate for references to treatment of individuals and allocation of resources within school, which the students discussed as a separate issue.

In addition the students were invited to write two statements after each focus group in order to give them the opportunity to communicate views independently and anonymously. Statements were written in response to the following questions:

- give an example of an incident which you found either fair/unfair in your education;
- what one thing would you change about education to make it fairer?

The second question above seems leading, but was only asked after it was clear that the majority of young people had already told us something about education that was unfair. Young people were also given the option of saying they would not change anything. This resulted in 114 different statements which were categorized in the same way as the focus group transcripts and did not yield any new categories. Analysis was challenging. There were almost 7 hours of group conversation and almost 7000 transcribed words. The statements given were often complex, with instances that suited multiple categories. The three authors were

all involved in coding the transcribed and written data in order to increase the reliability of our categories of fairness, until we reached a point of data saturation through triangulation between our coding. Through this method we aspired to Larsson's discussion of generalization through the recognition of patterns; 'the reader is invited to notice something they did not see before' (2009: 33) which helped us to make better sense of what we saw.

## Findings

### Focus Groups

We identified eight different categories of response for the statements made by the young people in our study. Table 2 provides a tally of how frequently statements in the different categories were raised, both overall and within each school. Students discussed fairness from a wide range of perspectives, holding divergent views within each area. However, the two themes of relational justice and stakes fairness are significant, firstly because they were the most commonly raised issues overall and secondly, because of their noteworthy absence in education policy and research. The discussion therefore focuses primarily on these two categories.

Table 2: Incidence of statements on fairness by school (the two categories generating the most statements in each school are emboldened)

Category	School A (%)	School B (%)	School C (%)	School D (%)	School E (%)	Total (100%)
Background fairness	8	5	8	<b>18</b>	6	9
Meritocratic principles	2	14	6	10	2	7
Choice	8	13	5	15	4	9
Relational justice	<b>38</b>	<b>33</b>	<b>26</b>	<b>18</b>	<b>35</b>	<b>29</b>
Stakes fairness	8	<b>20</b>	<b>22</b>	8	<b>30</b>	<b>17</b>
Procedural fairness	<b>17</b>	5	16	15	8	12
Needs-based fairness	15	5	15	16	13	12
Luck	4	5	2	0	2	3

Table 3 provides an overview of the themes raised in each category, remaining faithful to the students' choice of language, to illustrate the range of concerns. (For a fuller set of students' views from this study see Laing, Mazzoli Smith and Todd 2016b).

Table 3: Themes in each category of fairness

Category	Themes raised
<b>Background fairness</b> – distribution of resources/ structural considerations	<p><b>Not fair</b></p> <p><i>Different background limitations; schools don't do much do narrow differences; benefit of extra resources, help, books etc from some parents; better resources and less teacher turnover in some schools; some countries/cultures don't let girls learn; no choice of a better school or independent schooling for all; lack of knowledge about HE.</i></p> <p><b>Fair</b></p> <p><i>Parents able to work harder to buy better schooling; universities and grammar schools don't take students' background into account; structurally education is fair – individuals are the problem.</i></p>
<b>Meritocratic principles</b> – equality of	<p><b>Fair</b></p> <p><i>Students need to put in effort to reach their maximum potential; there are equal opportunities for all; equality of opportunity is only meaningful if you're willing to benefit from it; fairness is important earlier in life e.g. primary school, but then you</i></p>

opportunity and individual effort	<i>have to take responsibility; achievement should be based on ability alone, not positive discrimination.</i>
<b>Choice</b> – individual freedom for both young people and adults	<b>Not Fair</b> <i>Lack of choice because certain subjects are higher status; expectation of going to university (from parents and teachers) even if students don't want to; parents who have no choice if the local school is bad; students not able to choose whether to take Foundation/Higher level papers based on teacher assessments; students are forced to take narrow subject choices too young; parents have no choice about educating their children independently if they want to.</i>
<b>Relational justice</b> – politics of recognition and communitarian values	<b>Not Fair</b> <i>Teachers not treating students with respect; racism/ sexism/ prejudice against different faiths/ homophobia/ bullying for any reason; teacher judgments and different treatment based on appearance e.g. tattoos, piercings; widening participation programs that make targeted students feel looked down on; treating students as part of a group not as individuals; the lack of respect for vocational skills and interests; students being compared to others; taking into account student background; teacher favoritism of some students; teachers not trusting students.</i> <b>Fair</b> <i>School surveys should be carried out to see which students are happy, and why; having a first name relationship with teachers and no uniform in the sixth form is a sign of respect; an unmotivated student can be helped by an engaging teacher who loves their subject; brilliant teachers instill confidence and open students' minds.</i>
<b>Stakes fairness</b> – rewards, risks and pressures/ impact of performativity	<b>Not Fair</b> <i>Teachers concerned about the school's overall grades and league tables; particular outcomes being better than others; pressure to perform at school, particularly in exams; course work takes pressure off students; the hierarchy of subjects in teachers' minds; the difficulty in changing if a student chooses the wrong subject; teachers offering easier subjects/levels to students so they get better grades; an expectation that independent school students do better than state school students; the 11+ as there is too much pressure; students put in for Foundation level courses against their will.</i>
<b>Procedural fairness</b> – fair and equitable process	<b>Not Fair</b> <i>Exams - some people are bright but just not good at doing exams as they test memory; old boy network and financial help to go to university so more choices (e.g. can move away from home); different levels of teacher help/coaching; foundation stages in exams; process of getting to university; the focus in UCAS forms on extra-curricular activities; widening participation programs confirm elitism and that processes are unfair; changing course/exam requirements all the time; independent school until Year 11 and then state school on the UCAS form for sixth form.</i> <b>Fair</b> <i>Schooling is free until university, then a lot of financial help to go; university is fair – fair access and process.</i>
<b>Needs based justice</b> – equality of treatment versus differential treatment	<b>Not Fair</b> <i>Treating students equally does not mean treating them the same; Oxbridge students more support for university applications; teachers treat students differently; ability grouping as students get different treatment; borderline SEN students who do not fit into the category; G+T and SEN students get more help than those in the middle; labelling e.g. dyslexia, happens too late for some students; teachers not knowing students' abilities if they are quiet; offering a poorer education to less able students (e.g. comprehensive and grammar schools); widening participation i.e. positive discrimination; more attention at a independent school as classes are smaller; more able students should not be dragged down in mixed classes; widening participation</i>



	<i>schemes only open to certain students. Different levels of punishment for different types of pupil i.e. more able students feel expectations are higher.</i>
<b>Luck</b> <b>/Inevitability</b> – fairness cannot be actively sought / contingent	<b>Not fair</b> <i>Just luck whether in a good school or not; sometimes you just don't get along with a teacher; you cannot have fairness as people are not the same; lots of life is not fair; some unfairness is just 'natural', you cannot change that; you cannot have a fair system, as some students would find a teacher better even if all children had the same; you cannot get fairness because you cannot change other people's opinions.</i>

Findings from the thematic analysis are presented by category, in order to examine the students' particular focus for concern in each area, points of agreement and debate. Excerpts are provided from both postcards and focus groups. (The category of luck/inevitability is not discussed further, the 3% of statements which were categorized in this way being outlined in Table 3).

### *Student perspectives on background fairness*

The students spoke about socio-economic stratification based on distributive norms in society as background fairness, outside of or prior to school and these statements were all categorized as distributive justice making up 9% of statements overall. We made a distinction between this category, primarily related to family socio-economic status and the distribution of resources within schools to individual students because the students tended to speak about these separately. There was considerable disagreement between the students about whether structural inequalities led to unfairness in education or not. For some students this was simply not an issue relating to fairness in education, for others socio-economic inequality was seen as pertaining to fairness in education for a range of reasons as set out in Table 3, and here in this example which links to the category of needs-based fairness:

It's not fair that background can limit you i.e. where you come from. Schools don't do much to even out differences and students get labelled in the attempt to do so which isn't fair (School C focus group).

In one of the focus groups in independent school D, students displayed ignorance of how background inequality impacts on levels of educational attainment, being very engaged in this category with 18% of their statements categorized in this way - a considerably higher percentage than in any other school. This was one of the two categories in which there was the clearest divide in students' views, the students in the comprehensive schools (School C in particular) being far more likely to see socio-economic differences as unfair and recognize how they informed levels of attainment at school. In School E students spoke about the impact of background inequalities continuing as far as university entrance:

Uni is really expensive and if you're not from a wealthier family you don't have the opportunity to move away maybe to a better uni but you don't get that option (School E focus group).

The situation was mixed in School B where students were clearly influenced by the values of social responsibility espoused by the Quaker ethos, but which sat somewhat uneasily within a fee-paying institution. Some statements inevitably focused on independent/state schooling, given that we had deliberately included two fee-paying schools in our sample. Independent school students were both keenly aware of their privilege, but also quick to support their parents' right to have worked hard and chosen to spend their money on education, some also voicing concerns that their opportunities should be more widely available:

Some people can't afford to go to a independent school and so they are forced to remain in an area where the state system will fail them (School B postcard).

### *Student perspectives on meritocratic principles*

Some statements clearly fell into the category of meritocratic principles in that students endorsed the idea that ability plus effort equals success. Meritocratic principles were not frequently raised overall however, with 7% of statements being categorized in this way but were raised most frequently in both of the independent schools (14% and 10% of statements in schools B and D respectively). This was the other category most likely to cause disagreement amongst students, which centered mainly on the point at which individual responsibility to engage with learning and work hard should become more important than a teacher's responsibility to engage that child and support their learning:

Teachers waste time on students who don't want to learn so fairness relies on students putting the effort in. (School B focus group)

Anybody can get to where they want to be if they work hard enough, especially as they now positively pick working class students (School C focus group).

Positive discrimination doesn't really work – it should just be down to your ability. (School D focus group).

Students in four of the five schools engaged in a debate along these lines, most tending to agree that at primary school teachers had more responsibility to engage their students, but for secondary school opinions divided. Some students took into account arguments linked to background fairness and individual needs which moderated their positions on individual responsibility (in Schools B, C and E) with students in School D tending to espouse individual ability and effort as most important to success.

#### *Student perspectives on choice*

There were some comments about choice in the sense of parental choice about school, but these were few and there was no reference to a marketised educational landscape *per se*:

I'm also aware that where the school is an issue – people don't necessarily have the option to choose (School D focus group).

The students were more likely to refer to their own individual freedom and ability to choose in relation to subject, university and career choices, which was linked to the category of stakes fairness:

I don't like how they make you decide so soon – choose a life path at 15. I don't want that pressure - want to be a teenager and grow up a bit. (School C focus group).

What is significant about this data is that this category and that of stakes fairness highlights a specific experience of unfairness and lack of choice as perceived by students who describe being influenced or even pushed to get to a Russell Group University, or to do an academic course over a vocational one. Their statements demonstrate that this is directly linked to performativity in schools, in that students discussed how their teachers have to meet targets which are directly conveyed to them, yet this impact of performativity on pupils is far less acknowledged than others, such as 'teaching to the test'. This category also links with that of relational justice as students describe how this is experienced as a lack of respect for their individual talents, desires and right to choose their own pathway.

#### *Student perspectives on relational justice*

Statements in this category drew on intersectional aspects of identity and discrimination. It was striking that this category contained the greatest number of statements in any category overall at 29% and 38%, 35% and 33% per cent of all statements in schools A, E and B respectively. Statements were often values-based, making reference to the kind of community one might want to live in and/or the kind of education that should

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be on offer, ranging from discussion of teachers respecting students, students respecting each other, teachers who were passionate about their subject, pupil wellbeing, and a lack of discrimination and prejudice in a range of arenas, for example:

One of my friends in my school year came out as being gay when he was 16. Nobody cared, and everything about this person, be it social, educational or emotional, remained the same. This, in my opinion, is the ultimate example of fairness; sexuality should have no influence on people's happiness or other people's perception of them (School B postcard).

It was notable that it was the quality of the inter-personal relationship that was described as being at the heart of examples of student engagement and successful learning experiences.

The students articulated belief in how discrimination and lack of respect impinged on a basic inviolable right to self-determination and almost all forms of discriminatory practice were deemed unacceptable. There were therefore concerns about equality of outcome aims compromising relational justice through discriminatory practices, with widening participation programmes mentioned on a number of occasions as entrenching, not eroding, divisions in the system and compromising relational justice:

I was involved in the Aim Higher programme which chose participants based on their background who also happened to have high grades and tried to push them to go to university. This felt very judgmental about the way that people from different areas felt about their chances about getting into university (School D postcard).

There is some overlap with the category of stakes fairness and choice, in that students discussed high-stakes testing and associated practices as problematic in part because they did not feel respected, either as a result of the comparative process, or in terms of the outcome if this led to them being pushed towards certain educational pathways. It was notable that the students tended to prioritize respect and relational justice over differential treatment according to need:

When teachers focus all their attention on disruptive students, they help the students to get a pass grade in the exam, but don't support the students who are just expected to get an A grade, or who are quiet in class. I had a teacher like this for 2 years and she still doesn't know my name (school D focus group).

Differential treatment on the basis of need was described as fair only when it did not violate the rights of other students, in all but two student statements across the focus groups, where a student did argue that a SEN statement should lead to differential treatment. Nonetheless whilst students were likely to disagree over arguments for a needs-based allocation of resources, meritocratic principles and the impact of background fairness, they were all almost entirely united around a rights-based set of principles, which prioritized relational justice, respect and non-discrimination.

### *Student perspectives on stakes fairness*

The students described increased pressure as a result of high-stakes testing and associated expectations about specific destinations and the consequent narrowing of choice as unfair. So unified were statements across focus groups in this respect that a category of stakes fairness was created to best accommodate these concerns. 17% of all statements were categorized in this way, the second single largest category, with 30%, 22% and 20% of statements in schools E, C and B being categorized as stakes fairness. It was clear that the students were linking these increased pressures to the performativity culture, many doing so explicitly, but with different words, referring to 'league tables', 'the glorification of higher education', 'the wrong priorities' (education should be about a love of the subject rather than grades and outcomes), 'grade boundaries' (the unfairness of foundation level papers, or focusing on students at particular grade boundaries only), the 'narrowing of opportunities' (students being particularly exercised about an explicit hierarchy of subject choices and destinations, bemoaning the lack of teacher interest in or support for vocational choices):

I feel that the most important change needed to be made in education is for all qualifications to be accepted equally, from A levels to BTECs to no extra qualifications at all, and for people to be encouraged to simply do what makes them happy. (School B postcard)

The category of stakes fairness was chosen to reflect the considerable risks that students described as being associated with their choices and outcomes, some saying that failing exams and/or bad choices would affect them ‘for the whole of life,’:

The pressure from family, society, schools, governments, peers and yourself on the exams at the end of the year. If you fail or have a bad day you’ve wasted a whole year and the treatment you will receive from this is degrading. It’s too much stress. (School E focus group)

It was notable that students in both the independent and state sector felt keenly the unfairness of being expected to go to an elite university if they were attaining highly at school, questioning the societal de-valuing of vocational/creative courses and skills as perceived by students from all backgrounds (although students in School D were less likely to speak about these issues, with only 8% of their statements being categorized in this way). The demands of stakes fairness, as raised in the focus groups, would require educationalists to question not only access and procedure in relation to educational pathways and outcomes, but also why and how we endow particular outcomes with such distinction. Students were espousing a broader and more values-based foundation for education:

I think people should change the way that we measure schools. We should look at not just the D/C grade boundary, but student satisfaction and ability in wider society. (School B postcard)

#### *Student perspectives on procedural fairness*

Not surprisingly perhaps given the students’ age, the statements in this category were mainly about procedures around exams and university entrance. 12% of statements overall were categorized in this way, but in School A it was the second most popular category with 17% of their statements categorized as such. It was notable that in Quaker School B only 5% of statements fell in this category, the students speaking about how much they appreciated the way that the school was explicitly run to promote fairness. There was considerable agreement across the focus groups that the examination system was unfair for a host of reasons; coaching and support differ, examination boards differ, examinations test memory and performance on one day only not taking account of individual circumstances, and changes to examination times create additional stress:

One thing I would change: The exam system. Modular exams were a lot more manageable (not necessarily easier) and putting so much pressure on school students ruins their experience as a student and affects their grades (School A postcard).

With respect to the university application process opinion was divided, from students who thought the process completely fair, irrespective of background, to those who felt it was very unfair, advantaging those in receipt of more extra-curricular provision and who had family contacts. As mentioned above under the category of relational justice, widening participation programs were given as examples of unfair practices particularly by students in schools C and E. Statements where it was the principles of respect and relational justice that the students felt were being violated by the widening participation process were categorized in this, whilst others focusing on the unfairness of the process itself (only students in some postcodes being invited for instance) were categorized as procedural fairness. There were also statements about procedure being linked to needs-based allocation of resources and as such sometimes categorized in this way, as outlined below.

#### *Student perspectives on individual needs*

This category was created in distinction from one on background fairness, although it is of course interrogating distributive practices in schools, because the students began from the point of individual need and treatment and debated if and when differential treatment in school was fair. The dominant message was that differential treatment was unfair, students discussing extra help, support or trips for Oxbridge applicants, the most and the least able, and widening participation candidates in particular. Students were likely to describe labelling as unfair because of the differential treatment that followed (including for those students with the labels), or the problems of categorization itself, for example:

Students should be assessed on individual basis, not 'labelled' – this can lead to a self-fulfilling prophecy or internalisation of the negative label. (School E focus group)

However a few statements countered this, describing when specific SEN labels such as dyslexia were perceived to be fair. Statements came from both perspectives:

Fair: sets based on ability, the ability to have discussion with a teacher and the extra support they can provide. (School E postcard).

Unfair: not being given the opportunity to go on trips with the 'gifted and talented' group. It's unfair as it undermines you and makes you feel your intelligence is not good enough or 'worthy'. (School A postcard)

Students across all the schools raised the issue of small classes in independent schools as unfair to others in larger classes, as individual needs were more likely to be met and this should be available to all students. As discussed above, students tended to prioritize respect and relational justice over differential need-based allocation of resources. Differential treatment on the basis of need was largely described as fair only if it did not violate the rights of other students.

## Discussion

These data are significant in demonstrating key concerns for young people with respect to fairness in education. Specifically, the performativity agenda, working through league tables, directly narrows student choice through high-stakes teacher and pupil targets and the creation/maintenance of a hierarchy of subjects and destinations for students. The performativity agenda is seen in terms of relational justice, since it is experienced as a lack of respect for diverse talents, desires and the right to choose one's own pathway. This impact on young people has been commented on elsewhere (e.g. Hutchins year) but it is often sidelined, or can disappear altogether in broader sociological critiques of performativity in schools as in Ball's argument that educational opportunities transform structural background capitals into individual achievements through increased 'choice':

a conceptual and very practical shift, from education as an intrinsically valuable, shared resource which the state owes to its citizens, to a consumer product or an investment for which individuals who reap the rewards of being educated (of their families) must take first responsibility. (2010: 160)

From students' perspectives, it appears that underlying this is also the ambivalence and consternation of students who feel reaping educational rewards for individualized achievements curtails their choice and right to decide what these achievements should be. Critiques of a growing culture of performativity in schools tend to homogenize students by outcome, those who achieve in the system and those who do not. Whilst it is imperative to maintain a focus on the achievement gap and those students who are less likely to achieve, our research also highlights the costs for those who do achieve under such a system. As Fielding says:

...there remains the concern that the legitimacy of and delight in those relationships and undertakings which are not amenable to target setting become increasingly less convincing, more problematical and doubtfully worthy of precious time and effort in a highly pressurized world (1999:280).

Fielding describes the reality for many of the young people in our study, who raised precisely this scenario of a lack of time and interest by adults in their more profound aspirations as a result of a focus on narrow targets. It is no wonder that the demands of stakes fairness are linked with those of relational justice. If students are being encouraged to invest in narrow areas of achievement, this is of profound concern from the perspective of individual rights and relational values; 'contract replaces community as the bond of human association' (Fielding, 1999: 286). Moreover, the power of the discourse of targets within a culture of performativity defines these outcomes as fundamentally in the students' interests, so if we do not interrogate the lived experiences of young people being educated under such a regime, we lack the tools with which to critique 'the weight and wisdom of a reality defined largely by others' (Fielding, 1999: 281).

It is worth returning to Jacobs' paper to consider how significant this is for social justice in education overall. The demands of stakes fairness could suggest that higher education functions as too great a prize for passing the required examinations for instance and that moreover, there are other pathways that a diverse body of young people would and should be able to value were the stakes not so high, precisely what the students are stating. That is, stakes fairness can be used not just as a mechanism for leveling down the most advantaged where the stakes of the game are so high that some achieve cumulative advantages, and others cumulative disadvantages, but also as a tool to exert a more values-based critique on the very nature of the outcomes hierarchy.

Students' descriptions of how needs-based resource allocation in schools can compromise rights-based and relational justice are largely values-driven, questioning priorities and aims with respect to their education and the place of education in society more broadly. These students' lived experiences support our concern that dominant approaches to social justice in education, drawing on distributive norms and meritocratic thinking, offer an unsustainably narrow vision of education. Indeed Gorard (2010) discusses how students' experience of justice at school informs their long term learner identity, but whereas Gorard draws on data to demonstrate that mixed intake schools are better at promoting a sense of belonging and justice for instance, our data suggest something slightly different. In several areas – notably widening participation, examinations processes and the narrowing of choice alongside a target-driven culture – it was the pupils in the three comprehensive schools who felt most aggrieved and unfairly treated. This is of great concern given the other wider benefits that mixed-intake schooling brings (Gorard 2010) and is perhaps evidence of the performativity culture and an associated narrow view of schooling increasingly bearing down on these high performing state schools over recent years in particular.

Nussbaum's capabilities approach, having shown how dominant economic approaches aimed at increasing GDP offer a narrow vision of human progress, is highly relevant in addressing this narrow vision of education:

What we seem to need is...an approach that defines achievement in terms of the opportunities open to each person. Such an approach had better begin close to the ground, looking at life stories and the human meaning of policy changes for real people (Nussbaum, 2011: 14).

Nussbaum argues that the capabilities approach is superior to utilitarianism and quasi-Rawlsian approaches in its humanistic commitment to individual experience and quality of life, rather than reductive aggregates of success. We argue that while dominant policy frameworks in education are still in thrall to quasi-Rawlsian and utilitarian approaches to social justice, individual rights are compromised and questions of values sidelined, precisely what these young people identify as most unfair about education. Nussbaum's critique of utilitarianism comes through in the young people's foregrounding of relational justice and stakes fairness: 'its commitment to a single metric effaces a great deal about how people seek and find value in their lives' (2011; 52-53). A capabilities approach is about what every person should be entitled to in order to develop -

rather than on what those developments are. It is more about a baseline of support for individual flourishing however that may be expressed, and the choice to do whatever it is one wants to do, rather than being concerned with those activities or choices. It is also more about human rights and is fundamentally un-meritocratic as it has nothing to do with abilities per se. Sayer (2012) argued that the radical potential of the capabilities approach is not often acknowledged and we would argue that the radical ideals which underlie young people's prescriptions for fairness in education are likewise not often acknowledged. For instance, not taking seriously the principle of stakes fairness for young people, links to Wolff and De-Shalit's description of 'corrosive disadvantage' (2013), a disadvantage that has multiple negative repercussions as the stakes are so high. This is opposed to 'fertile functionings' which tend to be cumulative, one capability supporting others and what we should support as a priority in our education system.

## Conclusion

There is a need to change the way we talk about, and conceptualise, education. This is something that we have been trying to do in a number of ways, for example, challenging commonly held perceptions of low aspirations (Cummings et al 2012) and current notions of 'narrowing the gap' (Laing K, Mazzoli Smith L, Todd L. 2016a). There is a need to encourage a new and different public consensus about the nature of education, and what it should be for, and we argue that this has to involve a wider conceptualization of fairness as values-based, which takes account of the lived experiences of fairness in education. Nussbaum (2011) points out that some capabilities cannot be measured quantitatively and only properly come into view through qualitative evidence. The data presented here are significant in demonstrating that aggregate outcomes for students used as evidence of high quality education can mask fundamental compromises of individual rights and capabilities when individual experience is taken into account.

Attention to different public ideas about fairness and education is important not just in order to rebalance the privileging of abstract, spectatorial accounts of fairness and justice through the integration of lived experiences and values-based understandings (Sayer 2010), but as a fundamental aspect of how we will progress the debate about what constitutes a socially just education system. A focus on lived experiences of what is fair and unfair from the perspective of, in the case of this study, young people, does precisely this. There are three areas in which we can conclude that this study can advance the debate on and consensus around fairness in education:

- recognizing what is experienced as fair and unfair in schools and taking greater account of the importance of practices which foster relational justice;
- widening the conversation beyond the mantra of 'closing the gap' to understand that for young people performativity is experienced as unfair largely because it compromises stakes fairness and impinges on their individual choices and rights to self-determination;
- recognizing that the demands of *stakes fairness* in education contribute towards narrowing the gap through a possible levelling down of advantage, but that it also has the potential to rebalance educational aims away from extrinsic reward, to intrinsic good through a more values-based analysis of current policy and practice.

There is a lack of current policy that seeks to encourage relational justice and a lack of debate about the escalation of divisive outcomes or corrosive disadvantage for young people, which attends to notions of stakes fairness. As relational justice and stakes fairness are a key focus for young people considering issues of fairness, we suggest this might be considered a policy vacuum. A focus on lived experiences of fairness is an interpretive stance which widens the discourse around what is fair in education and how to achieve this, as demonstrated in this paper, and this in turn has the potential to reinvigorate public debate about the values on which our education system is run.

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